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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,273	10/20/1999	KAORU NARITA	Q56320	3894

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EXAMINER

GARCIA, JOANNIE A

ART UNIT

PAPER NUMBER

2823

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/421,273

Applicant(s)

NARITA, KAORU

Examiner

Joannie A García

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,8 6) ☐ Other: _____

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The disclosure is objected to because of the following informalities: On page 2, Second Full Paragraph, line 4, "ad" after "p-type silicon substrate 70," should be replaced with --and--. On page 10, Second Full Paragraph, line 7, "17a" after "drain region" should be replaced with 18a. On page 10, Second Full Paragraph, line 7, "17b" after "source region" should be replaced with --18b--.

Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-15, and 17-30, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "other conductivity type" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "other of said emitter region or said collector region" in lines 16-17. There is insufficient antecedent basis for this limitation in the claim.

In claim 17, line 13, "in said active area" after "conductivity type disposed" should be replaced with --in one of said active areas--.

Claim 20 recites the limitation "first impurity sub-region" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 17, 18, and 25-28, are rejected under 35 U.S.C. 102(e) as being anticipated by Porter et al (U.S. Patent 6,355,508).

Porter et al discloses a semiconductor substrate of a first conductivity type, isolation regions 16 having a first depth (Figure 1, and Column 2, lines 9-10), and disposed in surface portions of said semiconductor substrate and defining a plurality of active areas therebetween (Figure 1), a first terminal 10 connected to one of said active areas (Figure 1, and Column 2, lines 1-3), a second terminal connected to another of said active areas (Figure 1, and Column 2, lines), a circuit component connected between said first terminal and said second terminal (Figure 1), wherein said circuit component is a field effect transistor, and a protection circuit disposed adjacent to at least said one of said active areas, and comprising a p-type first impurity region 6 of said first conductivity type disposed adjacent to said at least one of said active areas, wherein said first impurity region is a base region of a bipolar transistor (Figure 1, and Column 2, lines 12-13, and 45-47), an n- second impurity region 8 of a second conductivity type opposite to said first conductivity type disposed adjacent to said first impurity region, disposed connected to said first terminal, wherein said second impurity region is one of an emitter region or a collector region of said bipolar transistor (Figure 1, and Column 2, lines 1, and 45-47), and a third n-type impurity region 12 of said second conductivity type connected to said second

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terminal, wherein said third impurity region is another of said emitter region or said collector region of said bipolar transistor (Figure 1, Column 2, lines 6, and 45-47). Porter et al discloses as well, an upper surface of said third impurity region is contiguous with a bottom surface of said first impurity region (Figure 1).


Claims 2-15, 19-24, 29, and 30, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. **See MPEP 203.08.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner J. Garcia whose telephone number is (703) 306-5733. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on (703) 306-2794. The fax number for this group is (703) 308-7722 (and 7724), and (703) 305-3431 (and 3432). MPEP 502.01 contains instructions regarding procedures used in submitting responses by facsimile transmission.


JAG
6/15/03


George Fourson
Primary Examiner